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Paper No. 21

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OFFICE OF PETITIONS

In re Application of : DECISION ON
Albou : PETITION
Application No. 09/499, 984 :
Filed: February 8, 2000 :
Attorney Docket No. 1948-4665 :
:

This is a decision on the petition filed February 10, 2003, requesting that the above-identified application be accorded a filing date of February 8, 2000, with drawing Figures 1-15 in the French priority document as part of the original disclosure.

On February 8, 2000, the application was filed with drawing Figures 1-10.

On August 29, 2002, the Office mailed a Notice of Allowance and Fee(s) Due to applicant. In response, on February 10, 2003, applicant submitted the present petition, a petition to withdraw from issue, request for continued examination, a preliminary amendment, copies of Figures 1-15 of the French priority document, and the requisite fees. Applicant states that on February 8, 2000, applicant submitted (1) a certified copy of the French priority document, including an accurate set of drawing Figures 1-15, which correspond to the English language specification, and (2) an erroneous set of drawings Figures 1-10. Applicant further states that despite the inclusion of erroneous drawing Figures 1-10, the application papers satisfied the filing date requirements by virtue of the submission on filing of drawing Figures 1-15 of certified copy of applicant's priority document.

A review of the record reveals that 4 sheets of drawings (Figures 1-10) were submitted with the application papers on February 8, 2000. However, the brief description of the drawings and the body of the specification for this application describe drawings of Figures 1-15. Clearly, Figures 1-10 filed with this application are not the drawings intended for this application. A further review of the record reveals that the application papers, filed on February 8, 2000, included a French foreign priority document, which contained 5 sheets of drawings (Figures

1-15). Accordingly, the 4 sheets of drawings (Figure 1-10), submitted on filing will be withdrawn. The 5 drawing sheets (Figures 1-15), as they appear in the foreign priority document, will be scanned and used during the prosecution of this application.

To the extent indicated above, the petition is granted.

The \$130.00 petition fee will be charged to Deposit Account No. 13-4500 because the present petition and petition fee were necessary in view of applicant's filing error.

The application will be forwarded to the Office of Initial Examination to process the application with a filing date of February 9, 2000, and to replace the 4 drawing sheets (Figures 1-10) with the 5 drawing sheets (Figures 1-15). The Office is further directed to scan the 5 sheets of drawings (Figures 1-15) of the French priority document, and to indicate that 5 sheets of drawings were present on filing.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

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